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EXAMINER

NGUYEN, CINDY

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 02/10/2004

31

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/393,718

Applicant(s)

NAZEM ET AL.

Examiner

Cindy Nguyen

Art Unit

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--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 22 January 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
- ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 10-28.

Claim(s) withdrawn from consideration: _____.

8. ☐ The proposed drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____



WAYNE AMSBURY
PRIMARY PATENT EXAMINER

Continuation of 5. does NOT place the application in condition for allowance because: Applicant's arguments are not persuasive. Applicant is reminded that he is responsible for the four corners of the references. In particular, Dufresne is applied as teaching the use of user-specific templates (see last paragraph, page 3 of the previous action).

DETAILED ACTION

This is in response to amendment filed 09/29/03.

1. Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary.

Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 10-14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (U.S 5867665) (Butman) in view of DuFresne (U.S 5835712).

In consideration of claim 10, Butman discloses: "In the page server coupled to a network, a method of providing a customized page to a user, wherein the customized page is customized according to the user's preferences,"(see Fig. 3A, Butman et al.), " the method comprising the steps of:

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obtaining real-time information from information sources (see 68, fig. 6a , and corresponding text, Butman);

storing the real-time information in a storage device (40, fig. 5 , and corresponding text, Butman);

storing a user specific template program for the user in a data structure indexed by a user identifier unique to the user (col. 27, lines 40-62, Butman);

receiving, from the user and at the page server (see col. 9, lines 14-23, Butman) a user request for a customized page (see col. 29, 10-40, Butman), and

determining a user identifier associated with the request (col. 29, lines 30-39, Butman);

retrieving a stored template program specific to the user in the data structure using the determined user identifier associated with the request (col. 30, lines 24-36, Butman);

providing the user with the customized page includes at least one item of real time information selected from the storage device (see col. 30, lines 65 to col. 31, lines 10, Butman).

However, Butman didn't disclose: executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user. On the other hand, Dufresne discloses: executing the template program specific to the user using the real-time information stored in the storage device as input to the template program to generate the customized page, wherein the template program indicates items of interest to the user (see col. 10, lines 7-32, Dufresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include the steps for input data in real time to the template to generate the customized page as claimed in the system of Butman as taught by

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Dufresne. The motivation being enable to input interesting data in which authorized user can insert HTML source and codes then store the information on template to a database so that the authorized clients and server can access to the template (col. 10, lines 18-41, Dufresne).

As per claim 11, the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, Butman/Dufresne disclose further including prior to the step of receiving the user request the steps of caching the template program in a storage location local to the page server (see col. 31, lines 35-41, Butman).

Regarding claim 12, the limitations of this claim have been noted in the rejection of claim 10. Applicant's attention is directed to the rejection of claim 10 above. In addition, Butman/Dufresne disclose: further comprising the step of receiving user preferences for the user wherein the user preferences indicate the items of interest to the user and combining the user preferences with a generic template to form the template program specific to the user (see col. 26, lines 49 to col. 27, lines 12, Butman).

Regarding claim 13, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Butman/Dufresne disclose: further including the step of providing the template program specific to the user to the page server (see col. 23, lines 3-40, Butman).

Regarding claim 14, the limitations of this claim have been noted in the rejection of claim 12. Applicant's attention is directed to the rejection of claim 12 above. In addition, Butman/Dufresne disclose: wherein the page server performs the step of combining the user preferences with the generic template (see col. 33, lines 4-21, Butman).

Regarding claim 19, all the limitations of this claim have been noted in the rejection of claim 1. In addition, Butman/Dufresne disclose: obtaining user preferences for the plurality of users, wherein a user's user preferences indicate items of interest to that user (see col. 23, lines 23-67, Butman); each of the plurality of users, combining the user preferences for a specific user and a template to form a template program specific to the user at the page server (col. 10, lines 18-32, DuFresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include more than one templates program specific to the user in the system of Butman as taught by Dufresne. The motivation being to enable the user to create a specific template for the user and protects access control lists so only authorized user can access to the specific template.

Regarding claim 20, all the limitations of this claim have been noted in the rejection of claim 1 above. In addition, Butman/Dufresne discloses: a second template program specific to the second user (col. 9, lines 50-59, Dufresne) using the real time information stored in the storage device as input to the second template program to generate a second customized page for a second user (col. 10, lines 7-32, Dufresne). Thus, at the time invention was made, it would have been obvious to a person of ordinary skill in the art to include more than one templates

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program specific to the user in the system of Butman as taught by Dufresne. The motivation being to enable the user protects a access control lists so only authorized user can access to the specific templates.

3. Claims 15-18 and 21-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Butman et al. (U.S 5867665) (Butman) in view of DuFresne (U.S 5835712) and further in view of Gerace (U.S. 5848396).

Regarding claims 15 and 25, Butman/Dufresne disclose all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively. However, Butman/Dufresne did not specifically disclose the limitations of claims 15 and 25. On the other hand, Gerace discloses: "wherein the real-time information comprises stock quotes, sports scores and news headlines" (see col. 6, lines 22-40, Gerace). Thus, it would have been prima facie obvious to a person of ordinary skill in the art to include the information includes stock information, advertisements, sports statistics, weather reports and the like in combination system of Butman/Dufresne as taught by Gerace. The motivation being to have a dynamic page generator, in communication with the order processing module, to compose a page for display by processing a template having all difference kinds of information as stock information, advertisements, sports statistics, weather reports in the system.

Regarding claims 16 and 26, all the limitations of these claims have been noted in the rejection of claims 10 and 20 above, respectively, In addition, Butman/Dufresne /Gerace disclose further comprising a step of generating a default user configuration for the user based on demographic information of the user (see col. 6, lines 5-7, Gerace).

Regarding claims 17 and 27, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively, In addition, Butman/Dufresne /Gerace discloses: wherein the step of generating a default user configuration comprises the steps of: determining a default list of cities for a weather report based on user demographic information (see col. 8, lines 52-57, Gerace); and determining one or more sports teams for sports reporting based on user demographic information (see col. 8, lines 15-25, Gerace).

Regarding claims 18 and 28, all the limitations of these claims have been noted in the rejection of claims 16 and 26 above, respectively, In addition, Butman/Dufresne /Gerace discloses: wherein the steps of determining comprise the steps of: obtaining user postal code information (see col. 21, lines 41-43, Gerace); translating the postal code information to user geographic position (see col. 21, lines 41-49, Gerace); comparing the user geographic position to geographic positions assigned to each city (see col. 22, lines 10-12, Gerace); and sports team (see col. 21, lines 65 to col. 22, lines 5, Gerace); and determining a threshold distance from the user geographic position which is greater than or equal to a distance to a predetermined nonzero number of cities and a predetermined nonzero number of sports team geographic positions "(see col. 31, lines 2-7, Gerace).

Regarding claims 21-24, most the limitations of these claims have been noted in the rejection of claims 2, 13-18, and 20 above respectively. It is therefore rejected as set forth above.

4. Response to Arguments(09/29/03)

Applicant's arguments have been considered, but are moot in view of the new ground(s) of rejection.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

5. Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cindy Nguyen whose telephone number is 703-305-4698. The examiner can normally be reached on M-F: 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on 703-308-1436. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7240 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Cindy Nguyen

February 6, 2004